

EXHIBIT 17

1 UNITED STATES BANKRUPTCY COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 In re

4 Orly Genger,

Chapter 7

CASE NO. 19-13895 (JLG)

5 Debtor.

6
7 ORAL DEPOSITION OF MICHAEL OLDNER

8 May 19, 2021

9 VOLUME III

10
11
12
13
14
15
16
17
18
19
20
21
22
23 BUSHMAN COURT REPORTING
24 620 West Third, Suite 302
Little Rock, Arkansas 72201
25 501.372.5115

BUSHMAN COURT REPORTING

1 ANSWERS AND DEPOSITION OF MICHAEL OLDNER, a
2 witness produced at the request of the Creditors, was
3 taken by Zoom in the above-styled and numbered cause
4 on the 19th day of May, 2021, before Janess Ferguson
5 Smith, Certified Court Reporter and Notary Public in
6 and for Saline County, Arkansas, at the Offices of
7 Bushman Court Reporting, 620 West Third, Suite 302,
8 Little Rock, Arkansas, at 12:59 p.m.

9 * * * * *

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 MR. BOWEN: Good afternoon, Mr.
2 Oldner. It's good to see you again. This
3 is Mike Bowen.

4 THE WITNESS: Hello, Mr. Bowen.

5 MR. HERSCHMANN: Mike, can we do
6 appearances -- Mike, let's do appearances.

7 MR. BOWEN: Eric, Eric, I will handle
8 it.

9 MR. HERSCHMANN: Okay.

10 MR. BOWEN: Thank you. Thanks.

11 This is Mike Bowen. I'm the counsel
12 or lawyer for the debtor, Orly Genger, in
13 this proceeding, and this is day number
14 three, a continuation of your deposition.

15 I'd like to have the witness placed
16 under oath again, and then we'll do
17 notices, or appearances for everybody.
18 Okay?

19 MICHAEL OLDNER,
20 the witness hereinbefore named, having first been
21 duly cautioned and sworn or affirmed to tell the
22 truth, the whole truth and nothing but the truth,
23 testified as follows:

24 MR. BOWEN: All right. So I put my
25 appearance on the record. Eric, you want

1 Q. Wasn't that at the same meeting, same day?

2 A. I don't remember.

3 Q. Who gave you the one-page releases?

4 A. Sagi Genger.

5 Q. So he gave you four pieces of paper; right?

6 A. That I remember, yes.

7 Q. So there was one release. It was a one-page
8 document, and it was for Dalia Genger. Do you
9 remember that?

10 A. Yes, sir.

11 Q. It was a one-page document that was a release
12 for both Sagi Genger and Elana Genger. Do you recall
13 that?

14 A. Yes, sir.

15 Q. And then there was a one-page release for TPR;
16 correct?

17 A. Yes, sir.

18 Q. And then there was a fourth one-page release
19 for David Parnes; right?

20 A. Yes, sir.

21 Q. Were there any other written releases that you
22 signed that same day?

23 A. Not that I remember.

24 Q. But do you have a specific memory that there
25 were only four pieces of paper, or were there more

1 than four piece of paper that you signed that day?

2 A. I don't remember.

3 Q. To your knowledge who drafted the releases?

4 A. I don't know.

5 Q. You did not draft them; correct?

6 A. I did not.

7 Q. And no lawyer working for you drafted these
8 releases; correct?

9 A. That is correct.

10 Q. With whom did you discuss these releases before
11 you signed them?

12 A. I don't remember.

13 Q. Is it your testimony that you did discuss them
14 with someone; you just don't remember who?

15 A. My testimony is I don't remember.

16 Q. So you may or may not have discussed the
17 releases with anyone; is that your testimony?

18 A. I don't --

19 MR. POLLOCK: Objection --

20 A. -- remember.

21 MR. POLLOCK: Asked and answered.

22 Q. What did you do with the releases after you
23 signed them?

24 A. I don't remember.

25 Q. Well, you signed them in front of a notary;

1 What did you get in exchange for the Orly
2 Genger Trust for giving Dalia Genger a release?

3 A. For signing that release, I got Sagi's full
4 cooperation in pursuing in the minutiae and the
5 detail of the Orly Genger litigation saga in pursuing
6 the recovery of the \$32.3 million that was
7 fraudulently transferred away from the trust.

8 Q. Where is that document?

9 A. What document?

10 Q. Where is it documented that in exchange for
11 releasing Dalia Genger you got a promise from Sagi
12 Genger to assist the trust in all of the minutiae of
13 pursuing some other claim?

14 A. Since that has been signed, Sagi has cooperated
15 through his attorney with my attorney to assist in
16 the recovery of that money in every way. It has been
17 done. It continues to be done.

18 Q. Is there a document that reflects that in
19 exchange for giving the release to Dalia Genger the
20 Trust got in return a promise or an obligation from
21 Sagi Genger to assist the Trust?

22 MR. POLLOCK: Objection.

23 Q. You can answer.

24 MR. POLLOCK: Object to form, for the
25 record. You can answer, if you --

1 A. No.

2 Q. So that's -- that wasn't written down anywhere?

3 A. No.

4 Q. How did you come to have the understanding that
5 Sagi was promising to help the Trust if the Trust
6 gave the release to Dalia Genger?

7 A. I don't remember.

8 MR. POLLOCK: Objection to form also.

9 Q. What conversations have you had with Sagi
10 Genger about releasing Dalia Genger?

11 A. Would you free, would you rephrase that in a
12 way I can answer it, please.

13 Q. Certainly. What conversations have you had
14 with Sagi about releasing Dalia Genger?

15 A. I don't remember any conversations.

16 Q. You don't remember any conversations at all?

17 A. No.

18 Q. Well, did you have a conversation with him on
19 the day that you were both at Munsch Hardt offices in
20 Texas about the releases?

21 A. Yes.

22 Q. What was that conversation?

23 A. I don't remember.

24 Q. You don't remember anything about it?

25 A. I do not.

1 MR. POLLOCK: Objection to form.

2 A. That is --

3 Q. You can answer.

4 THE WITNESS: May I answer the
5 question, Adam?

6 MR. POLLOCK: Yes, if you can.

7 THE WITNESS: Yes, that was my
8 understanding.

9 BY MR. BOWEN:

10 Q. And that's the same commitment or promise that
11 you testified about a moment ago that was not
12 reflected in any writing; is that right?

13 A. That is correct.

14 Q. What relationship did Elana Genger have to the
15 Orly Genger Trust?

16 A. I have no idea.

17 Q. Do you have any idea how it is that the Orly
18 Genger Trust could have had any conceivable claim
19 against Elana Genger?

20 A. I certainly do not.

21 Q. And it wasn't your idea to include her in the
22 release; right? It was Sagi Genger's idea to do
23 that?

24 A. It was not my idea.

25 Q. Do you know if it was Sagi's Genger's idea, if

1 you know?

2 A. I do not.

3 Q. Well, if it wasn't Sagi Genger's idea, whose
4 idea was it?

5 A. It was not mine. I have no idea who came up
6 with the idea.

7 Q. And you never asked anyone why Elana Genger was
8 getting a release?

9 A. No.

10 Q. What relationship did Sagi Genger ever have
11 with the Orly Genger trust?

12 A. What, what do you mean by "relationship"?

13 Q. Well --

14 A. I'm not trying to be evasive, just what do you
15 mean?

16 Q. Let me ask you this way. I'll withdraw that
17 question.

18 A. Sure.

19 Q. What did you do, if anything, to determine
20 whether or not there were claims that the Orly Genger
21 Trust potentially had against Sagi Genger?

22 A. Back to my earlier answer, and it applies to
23 everybody, there's a copious amount of information,
24 cases that have been ruled upon, cases that have been
25 opened, closed.

1 Q. By the time you got this in writing on
2 August 15, 2019, had you already done all of the due
3 diligence that you wanted to do in order to determine
4 whether or not the Trust had any claims against Sagi
5 Genger and/or Elana Genger?

6 A. Yes.

7 Q. So when did you first have the idea that you
8 should, or that you might release Sagi Genger and
9 Elana Genger?

10 A. I don't remember.

11 Q. Well, you're saying it was sometime before
12 August 15, 2019; right?

13 A. It could not have been after August the 15th.

14 Q. Right. So the first time that you saw this
15 release in writing was on August 15, 2019; correct?

16 A. To my best recollection.

17 Q. And, and you signed it that same day; right?

18 A. That's my handwriting. That's the date.

19 Q. And then you gave it to somebody else. You
20 don't remember who right?

21 A. I don't remember who.

22 Q. So you certainly didn't do any due diligence to
23 determine whether there were any claims that the
24 Trust might have against Sagi Genger and Elana Genger
25 after you saw this release in writing; correct?

1 A. Not to my recollection.

2 Q. So to the extent that you did do due diligence
3 as to whether or not the Trust had any potential
4 claims against Sagi Genger and/or Elana Genger, you
5 did it sometime before August 15th, 2019, and after
6 you first had the idea of giving a release to them;
7 right?

8 A. That would be a logical conclusion.

9 Q. And you can't tell us under oath when you first
10 had the thought or somebody communicated to you the
11 thought that the Trust should release Sagi Genger and
12 Elana Genger; right?

13 MR. POLLOCK: Objection; asked and
14 answered.

15 Q. Is that right?

16 A. Please ask the question again.

17 Q. You don't remember when you first thought or
18 somebody communicated to you the thought to give a
19 release to Sagi Genger and/or Elana Genger; right?

20 MR. POLLOCK: Objection.

21 A. I do not.

22 MR. POLLOCK: Asked and answered.

23 Q. So that may have been back in June when you
24 first became the trustee, or sometime thereafter, but
25 before August of 2019; right?

1 A. Can we go to the bathroom, is what he's asking.

2 Q. We'll take a break.

3 A. Yeah.

4 MR. POLLOCK: Thank you.

5 MR. HERSCHMANN: How long are we
6 breaking? Are we taking -- how long are we
7 taking, guys?

8 MR. BOWEN: Whenever they get back,
9 five minutes, whatever.

10 MR. HERSCHMANN: Okay. All right.

11 (Nine-minute break)

12 BY MR. BOWEN:

13 Q. All right. So can you just read to me, Mr.
14 Oldner, the Bates number at the bottom of the first
15 page you have there?

16 A. I'm looking at OGT 00005908.

17 Q. Okay. Fine.

18 A. Okay.

19 Q. Yeah. Now in that package of material there
20 were three sets of these four releases. Do you
21 recall that you kept three copies of each release?

22 A. I don't recall.

23 Q. Okay. All right. Now when, the day that you
24 signed this in the Munsch Hardt offices on
25 August 15th, 2019, you never, you never asked anybody

1 to type this up, did you, any one of these release?

2 A. No, sir. No, sir.

3 Q. You didn't ask for any changes to be made to
4 any of these releases; right?

5 A. Excuse me one moment.

6 MR. POLLOCK: Objection; outside of
7 Exhibit A.

8 A. Thank you. May I answer the question.

9 Q. Yes.

10 A. I don't -- please restate.

11 Q. Did you ask anybody to make any changes after
12 you saw it in writing?

13 A. Not that I remember.

14 Q. Now if you flip past that first page that you
15 just read, go to the second page, you'll see that's a
16 release for Dalia Genger.

17 A. Yes, sir.

18 Q. Then go to the next one and you'll see a
19 release for TPR.

20 A. TPR, yes sir.

21 Q. This is also a release for TPR and D&K --
22 excuse me, D&K GP, LLC, for all of their officers,
23 directors, subsidiaries, et cetera. Do you see that?

24 A. Yes, I do.

25 Q. And you understood what TPR was at the time you

1 signed this release?

2 A. I did.

3 Q. And you understood what D&K GP, LLC was; right?

4 A. I believe that I did.

5 Q. And you knew at this time that Sagi Genger was
6 in charge and operating TPR, and he was in charge and
7 operating D&K GP; correct?

8 A. I believe that to be correct.

9 Q. Now what was your understanding of what
10 potential claims the Orly Genger Trust may have had
11 or may have against either one of those corporate
12 entities?

13 A. I don't remember.

14 Q. Did you ever have any understanding of what
15 potential claims the Trust may have had?

16 A. Yes.

17 Q. And that was based on your general review of
18 the litigations that you have already testified
19 about?

20 A. Yes, sir.

21 Q. Was it based on anything else?

22 A. That would be speculating, but I don't
23 remember.

24 Q. What -- to your understanding at the time you
25 signed this release, what is TPR?

1 A. A company owned by Sagi.

2 Q. What was the nature of that company?

3 A. I don't recall.

4 Q. What, what kind of business was it in?

5 A. I don't recall.

6 Q. And what did you understand about the entity

7 D&K GP?

8 A. I don't remember.

9 Q. Do you remember anything about D&K?

10 A. Yes.

11 Q. What?

12 A. It had something to do with the note that

13 funded the Trust, I believe.

14 Q. So you recall that the Orly Genger Trust was

15 indebted to D&K?

16 MR. POLLOCK: Objection outside of the

17 scope of Exhibit A.

18 Q. Is that correct, Mr. Oldner?

19 THE WITNESS: Adam, do I answer the

20 question?

21 MR. POLLOCK: You can answer the

22 question, and then I am confident that

23 given that Mr. Bowen already asked

24 extensive questions about the indebtedness,

25 including on page 203 of the transcript,

1 that he will move on.

2 THE WITNESS: Very well, well Mr. Bow

3 would you please ask the question again.

4 BY MR. BOWEN:

5 Q. So you understood at the time that you were
6 signing this release that the Orly Genger Trust was
7 indebted to D&K?

8 MR. DELLAPORTAS: Objection; leading.

9 MR. POLLOCK: Objection to form.

10 A. I don't remember.

11 Q. Were you aware that D&K had signed its debt, or
12 the debt that it held for the Orly Genger Trust to
13 another entity, the Robin Rodriguez entity?

14 MR. POLLOCK: Mr. Oldner, don't answer
15 the question. I'll direct you not to
16 answer.

17 Mr. Bowen, you had a full day to ask
18 about the debt and the Robin Rodriguez.
19 We're not here for that. That's outside
20 the scope of Exhibit A. Move on, please.

21 MR. BOWEN: I'm not, I'm not going to
22 debate this with you.

23 MR. POLLOCK: That's fine.

24 MR. BOWEN: We have a release --

25 MR. POLLOCK: Very good.

1 off the air conditioning. It's one of the
2 two.

3 MR. CULLEN: Be louder.

4 THE WITNESS: Pardon me?

5 MR. CULLEN: Be louder.

6 MR. BOWEN: I'll be louder.

7 THE WITNESS: Okay. I'll yell.

8 MR. BOWEN: All right.

9 BY MR. BOWEN:

10 Q. So the question is did you understand that D&K
11 had transferred, or was going to transfer, the debt
12 that it held against the Orly Genger Trust to
13 Manhattan Safety, a Robin Rodriguez entity at the
14 time that you executed the release of D&K?

15 MR. POLLOCK: Objection to form.

16 A. Not that I recall.

17 Q. And if you go to the next page in that packet,
18 towards the back you'll see a release given by the
19 Trust and your signature, David Parnes. Do you see
20 that?

21 A. I do.

22 Q. What claims did the Trust have or may have had
23 back then to David Parnes?

24 A. None that I was aware of.

25 Q. What relationship did David Parnes have to the

1 Trust?

2 A. I don't recall.

3 Q. Are you aware he was the trustee for the Orly
4 Genger Trust at some point in time?

5 A. I don't remember.

6 Q. Did you ever have any discussions with
7 Mr. Parnes about the Orly Genger Trust?

8 A. Not that I recall.

9 Q. Well, did Mr. Parnes ask you for this release?

10 A. I don't remember.

11 Q. Was this also requested by Sagi?

12 A. I don't remember.

13 Q. Now if you look at this relies, you will see at
14 the top it reads, For and in consideration of ten
15 dollars and other good and valuable consideration the
16 receipt of which is hereby acknowledged.

17 Do you see that at the top?

18 A. I do.

19 Q. And, you know, that, that was on each of the
20 four releases we've been talking about today. Do you
21 see that?

22 A. I do.

23 Q. Did you get \$10 from somebody?

24 A. I don't remember.

25 Q. You don't remember anybody handing you \$10 for

1 question about whether you reached out to
2 the bankruptcy trustee.

3 THE WITNESS: Which bankruptcy trustee
4 would that be, the one in Texas --

5 MR. POLLOCK: I think --

6 THE WITNESS: -- or the one in New
7 York?

8 MR. BOWEN: The one --

9 MR. POLLOCK: I think he was asking if
10 you met with the one in Texas, or if you or
11 your --

12 MR. BOWEN: Whichever one.

13 MR. POLLOCK: Did you ask about the
14 lawyer also?

15 BY MR. BOWEN:

16 Q. Whichever one. It doesn't matter.

17 A. Okay.

18 Q. Did you reach out to any trustee for the
19 bankruptcy estate?

20 A. Concerning the releases?

21 Q. Correct.

22 A. No.

23 Q. Were you informed that there was an automatic
24 stay in place that prohibited anybody from taking any
25 action which may affect the legal rights of Orly

1 again. I'll answer it.

2 Q. Even though you knew there was a bankruptcy
3 going on, and you saw the general releases that you
4 were signing, each one of the four, you did nothing
5 to contact the bankruptcy trustee; correct?

6 MR. POLLOCK: Objection; asked and
7 answered. Outside of the scope of Exhibit
8 A.

9 A. That mischaracterizes, but I did not contact
10 the trust, the bankruptcy trustee.

11 Q. How does it mischaracterize?

12 A. It makes it sound like I am trying to do
13 something that is not above board.

14 Q. But you --

15 A. The implication is -- pardon me?

16 Q. I'm sorry. Go ahead.

17 A. No, please.

18 Q. You said it made it sound like it's something
19 not above board, the implication is --

20 A. Yes.

21 Q. -- what?

22 A. The, the implication is, is that I have done
23 something surreptitiously. I did not.

24 Q. Right. I don't mean to suggest that you were
25 intentionally doing something wrong, but it just

1 Q. Yes. It's literally the front page.

2 A. Okay.

3 Q. Do you see --

4 A. You don't have to put it up there. I've got
5 it.

6 Q. Okay. There's an email -- there's a gray bar
7 on top. It looks like an email from you to Sagi
8 Genger dated June 10, and you are attaching these
9 bylaws and all of these form documents that were
10 filled out for Recovery Effort. Do you see that?

11 A. Yes, sir.

12 Q. Underneath it it's forwarding an email from
13 Sanga Aguayo, A-g-u-a-y-o, and that's from her to you
14 with a subject line that says, "Completed filing for
15 Recovery Effort Inc.," and the date is June 6th,
16 2019.

17 And that text reads, quote, Dear Michael,
18 thank you for choosing CorpNet.com as your legal
19 document filing service.

20 This is a courtesy email to let you know
21 that your business entity for Recovery Effort Inc.
22 has been successfully created and filed as of 6,
23 slash, 04, slash, 2019 in the State of Arkansas,
24 closed quote.

25 Does this refresh your recollection, Mr.

1 Oldner, that you did create Recovery Effort Inc. on
2 June 4, 2019?

3 A. Mr. Bowen, I told you earlier I did not create
4 Recovery Effort Inc. Do you remember, do you
5 remember that?

6 Q. Yes, sir, I do. And I'm asking you --

7 A. Okay.

8 Q. -- does this --

9 A. I did not --

10 Q. -- refresh your recollection?

11 A. I did not create Recovery -- no, it does not.
12 I did not create Recovery Effort Inc.

13 Q. Did you receive this email?

14 A. It looks like I sent this email.

15 Q. Well, the email below is from Sonja Aguayo to
16 you.

17 A. Yes.

18 Q. Did you receive that email from her?

19 A. I did.

20 Q. And why was she sending you an email, to your
21 knowledge, reporting that your business entity,
22 Recovery Effort Inc., has been successfully created
23 and filed as of June 4, 2019?

24 MR. DELLAPORTAS: Objection; calls for
25 speculation?

1 MR. POLLOCK: Same objection.

2 A. I have, I have no clue.

3 Q. So your testimony is you had nothing to do with
4 creating Recovery Effort Inc. or hiring CorpNet.com
5 to file documents to recreate Recovery Effort Inc.;
6 is that right?

7 MR. POLLOCK: Objection; asked and
8 answered, outside the scope of Exhibit A.

9 MR. DELLAPORTAS: Objection; leading.

10 Q. Is that right, Mr. Oldner?

11 A. Please ask the question again.

12 MR. POLLOCK: I'm sorry --

13 Q. Your testimony is that you don't have any --
14 you don't -- let me put it this way. You don't have
15 any explanation for why this email was sent to you on
16 June 6th, 2019, stating that, quote, Your business
17 entity for Recovery Effort Inc. has been successfully
18 created, closed quote, June 4 with the state of
19 Arkansas; right?

20 MR. POLLOCK: Objection; asked and
21 answered. Outside the scope of Exhibit A.

22 Q. Answer the question, Mr. Oldner. Do you have
23 any explanation for this email?

24 A. I do not know why -- I do not know how this
25 happened. I can tell you that. Anything else is

1 speculation and guesswork.

2 Q. But you never -- let me ask this. You never
3 hired CorpNet to file paperwork to create the
4 business entity Recovery Effort Inc.; is that right?

5 MR. POLLOCK: Mr. Bowen, you asked all
6 of these questions on page 359 of the
7 transcript.

8 MR. BOWEN: That's not true. I didn't
9 have these documents, and this is pointing
10 out something that Mr. Oldner testified
11 about last time without having the benefit
12 of this document. And I'm asking --

13 MR. POLLOCK: He's giving you --

14 MR. BOWEN: -- him to reconcile.

15 MR. POLLOCK: -- the same testimony.

16 MR. BOWEN: I'm asking him to
17 reconcile his testimony that he had nothing
18 to do with creating Recovery Effort Inc.
19 with this document, which looks like he
20 did.

21 BY MR. BOWEN:

22 Q. Mr. Oldner, do you have any explanation for
23 that?

24 A. Yes. I've told you, I did not create Recovery
25 Effort Inc., period. Anything else, you speculate

1 on. I don't know.

2 Q. So you just have no explanation -- you can't
3 explain this email at all --

4 MR. POLLOCK: Objection --

5 Q. -- is that correct?

6 MR. POLLOCK: -- harassing; asked and
7 answered.

8 MR. BOWEN: I just want to clarify Mr.
9 Oldner's testimony.

10 Q. Mr. Oldner, you have no explanation for this
11 email; is that correct?

12 MR. POLLOCK: You asked him that,
13 like, ten times now, Michael, both a year
14 ago, and again today.

15 MR. BOWEN: But you keep interrupting,
16 Mr. Pollock. If I get a clean answer, I
17 can move on.

18 MR. POLLOCK: He --

19 BY MR. BOWEN:

20 Q. Mr. Oldner, you have no explanation for this
21 email, but you don't deny that you received it; is
22 that correct?

23 MR. POLLOCK: Objection; asked and
24 answered, compound, outside the scope of
25 Exhibit A.

1 Q. Is that correct, Mr. Oldner?

2 A. Is what correct?

3 Q. That you have no explanation for this email
4 that's on this first page from Sonja Aguayo, but you
5 don't deny that you received it --

6 MR. POLLOCK: Objection.

7 Q. -- on or about June 6th, 2019; correct?

8 MR. POLLOCK: Objection; compound,
9 asked and answered, outside of the scope of
10 Exhibit A.

11 Q. Is that correct?

12 A. May I answer?

13 Q. Yes.

14 THE WITNESS: Adam?

15 MR. POLLOCK: Sure.

16 THE WITNESS: Okay.

17 MR. POLLOCK: You've answered, like,
18 ten times already.

19 THE WITNESS: This will be my last
20 time. I did not send this email. I did
21 not set this process in motion.

22 I did not discuss this. I did not
23 create the company. Nor did I participate
24 in its creation. I received this email.

25

1 MR. POLLOCK: No.

2 MR. BOWEN: -- that I'm asking to ask
3 on this document.

4 MR. POLLOCK: No.

5 MR. BOWEN: Can we just do it that
6 way, so Mr. Oldner doesn't have to have the
7 question repeated --

8 MR. POLLOCK: You don't --

9 MR. BOWEN: -- three times.

10 MR. POLLOCK: You don't need to keep
11 asking the same questions again, and
12 again --

13 MR. BOWEN: I'm not asking --

14 MR. POLLOCK: -- and again.

15 MR. BOWEN: -- the same question. I'm
16 breaking it down --

17 MR. POLLOCK: Great.

18 MR. BOWEN: -- like he asked me to do.

19 MR. POLLOCK: Please do.

20 MR. BOWEN: I'm taking it step by
21 step.

22 MR. POLLOCK: Great. Please do.

23 BY MR. BOWEN:

24 Q. So the next question, Mr. Oldner, is although
25 this email says, Thank you for choosing CorpNet as

1 your legal document filing service, closed quote, you
2 never hired CorpNet.com with respect to Recovery
3 Effort Inc.; correct?

4 MR. POLLOCK: Objection; outside of
5 the scope of Exhibit A, and asked and
6 answered. Now --

7 Q. Is that --

8 MR. POLLOCK: -- Michael Oldner.

9 Q. -- correct?

10 THE WITNESS: Now I may answer the
11 question?

12 MR. POLLOCK: Yes.

13 THE WITNESS: I did not create this
14 business.

15 BY MR. BOWEN:

16 Q. I'm asking whether you ever hired CorpNet.com
17 in connection with Recovery Effort Inc. That's all
18 I'm asking?

19 A. I did --

20 MR. POLLOCK: Object --

21 A. -- not.

22 MR. POLLOCK: Michael Oldner, you've
23 gotta let me --

24 THE WITNESS: Ugggg.

25 MR. POLLOCK: Objection; asked and

1 answered. Objection to form, outside of
2 the scope of Exhibit A.

3 Now Michael Oldner, answer his
4 question, please.

5 THE WITNESS: I did not hire CorpNet.

6 BY MR. BOWEN:

7 Q. And although this email from Sonja Aguayo says,
8 This is a courtesy email to let you know that your
9 business entity, Recovery Effort Inc., has been
10 successfully created and filed, closed quote, you
11 never created Recovery Effort, and it's not your
12 business entity as of June 6th, 2019; correct?

13 MR. POLLOCK: Objection to form; asked
14 and answered, compound, outside the scope
15 of Exhibit A.

16 MR. DELLAPORTAS: Calls for
17 speculation as well.

18 Q. Is that correct?

19 A. Please break that down in to individual
20 questions for me.

21 Q. Well, your testimony is that Sonja Aguayo is
22 mistaken, or wrong, when she says that Recovery
23 Effort is, quote/unquote, your business entity.
24 Correct?

25 MR. POLLOCK: Objection to form;

1 misstates the testimony.

2 A. My testimony is, is that I did not, I did not
3 hire CorpNet to create this company. I did not pay
4 them to create this company. I was not involved --

5 Q. Do you know who --

6 A. -- in the creation. Go ahead. I was not
7 involved with the creation of the company.

8 Q. Well, do you know who did hire them and pay
9 them?

10 A. I do not.

11 Q. Do you have any explanation for why this email
12 was sent to you on June 6th, 2019?

13 A. Everything I would have would be a guess.

14 Q. Okay. Did you respond to this email by saying
15 to Ms. Aguayo, I don't know what you're talking
16 about. Why are you sending me this email?

17 MR. POLLOCK: Objection to form,
18 outside of the scope of Exhibit A.

19 A. Not that I recall.

20 Q. Then if you look at the top of this page, you,
21 then, forward this four days later to Sagi Genger
22 with all of these attachments for Recovery Effort;
23 right?

24 A. That is correct.

25 Q. And we're not going to take the time for this,

1 but if you'll look at those attachments, those
2 attachments indicate that the director and the sole
3 owner of Recovery Effort Inc. is the Orly Genger 1993
4 Trust. Did you know that on June 10th when you sent
5 this to Sagi Genger?

6 A. I don't remember.

7 Q. Why did you send it to Sagi Genger forwarding
8 Sonja Aguayo's email June 6th, along with all of
9 these attachments about Recovery Effort.

10 A. I would have to speculate.

11 Q. So you have no testimony you can give us about
12 that; correct?

13 A. Not that I recall.

14 Q. Okay. So let me ask just a few, few more
15 questions, and then I'm done.

16 The last time that you testified, you did
17 not remember that you gave general releases to David
18 Parnes and to TPR and D&K; right?

19 MR. POLLOCK: Objection to form;
20 mischaracterizes the testimony, outside of
21 the scope of Exhibit A.

22 Q. Is that true, Mr. Oldner, you had just
23 forgotten about those releases?

24 MR. POLLOCK: Objection to form;
25 mischaracterizes the testimony.

1 MR. HERSCHMANN: Mr. Pollock, Mr.
2 Bowen addressed this earlier today. I'm
3 not wasting time. This will take two
4 minutes if you will stop being an
5 obstructionist.

6 MR. POLLOCK: I'm not being an
7 obstructionist. I'm asking you a direct
8 question --

9 BY MR. HERSCHMANN:

10 Q. Mr. Oldner --

11 MR. POLLOCK: -- and you won't answer.

12 BY MR. HERSCHMANN:

13 Q. Mr. Oldner, do you see the 801 Pleasant Valley
14 Drive, Number 16, Little Rock, Arkansas 72227 on
15 Bates 5639. Do you see that, sir?

16 A. Mr. Herschmann --

17 MR. POLLOCK: Objection, outside the
18 scope of Exhibit B.

19 Q. You can answer the question, Mr. Oldner.

20 A. Will you remove that?

21 Q. Do you see that?

22 A. I want that down.

23 Q. Mr. Oldner, do you see that?

24 A. Would you remove the document?

25 Q. Mr. Oldner, do you see that address?

1 A. Would you remove the document? I have it in my
2 hand.

3 Q. Okay, yeah, so we can remove the document.

4 A. Thank you.

5 Q. Are you familiar with that address?

6 MR. POLLOCK: Objection.

7 Q. Whose address is that, sir?

8 MR. POLLOCK: Objection.

9 A. Are you going to remove the document?

10 MR. HERSCHMANN: Yes. John, can you
11 still remove the document?

12 THE WITNESS: Thank you.

13 BY MR. HERSCHMANN:

14 Q. Sorry, Mr. Oldner. Whose address is this?

15 A. That is mine.

16 Q. Do you have any explanation how your personal
17 home address ended up on that document --

18 MR. POLLOCK: Objection.

19 Q. -- for an entity in which you say you had no
20 involvement in creating.

21 MR. HERSCHMANN: Adam, I didn't finish
22 the question.

23 MR. POLLOCK: Objection; outside the
24 scope of Exhibit B.

25

1 BY MR. HERSCHMANN:

2 Q. You can, you can answer the question, sir.

3 A. My address is public information.

4 Q. Okay. So why don't you turn to paragraph 50 on
5 page 18 of Exhibit 4.

6 A. Okay.

7 Q. Of Exhibit 4, your joinder.

8 A. Okay. Thank you. You have to tell me which
9 one it is. I don't have the numbers on the exhibits.

10 Q. It's the joinder.

11 A. Yes, sir. Page 18?

12 Q. Yes, sir.

13 A. Okay. Thank you.

14 Q. You say, on the first sentences of paragraph
15 50, There can be no doubt this case was NOT -- "NOT"
16 in capital letters, N-O-T -- filed in order to
17 address any genuine financial distress.

18 Do you see that, sir?

19 A. Yes, sir.

20 Q. What's your basis for your claim that there
21 could be no doubt that the case was not filed in
22 order to address any genuine financial distress?

23 A. I don't remember.

24 Q. Sir, at the time of October of 2019, do you
25 have any idea what money Orly Genger had in any bank

1 COURT REPORTER'S CERTIFICATE

2 STATE OF ARKANSAS)
) ss.
3 COUNTY OF SALINE)

4 I, JANESE FERGUSON SMITH, CCR, RPR, a
5 Notary Public in and for Saline County, Arkansas do
6 hereby certify that the facts stated by me in the
7 caption of the foregoing matter are true; and that
8 the foregoing matter was transcribed by me, to the
9 best of my ability and understanding, from my machine
10 shorthand notes taken at the time and place set out
11 in the caption hereto.

12 In accordance with Rule 30(e) of the Rules
13 of Civil Procedure, review of the transcript was
14 requested by the deponent or a party thereto.

15 I FURTHER CERTIFY that I am neither counsel
16 for, related to, nor employed by any of the parties
17 to the action in which this proceeding was taken;
18 and, further that I am not a relative or employee of
19 any attorney or counsel employed by the parties
20 hereto, not financially interested or otherwise, in
21 the outcome of this action.

22 GIVEN UNDER MY HAND AND SEAL OF OFFICE on,
23 this, the 19th day of May, 2021.

24 JANESE FERGUSON SMITH, CCR, RPR
Notary Public for Saline County
25 and Court Reporter.
Certificate Number 453